

**TESTIMONY OF SAM D. HAMILTON, REGIONAL DIRECTOR, SOUTHEAST
REGION, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE
INTERIOR, BEFORE THE HOUSE COMMITTEE ON SMALL BUSINESS
REGARDING
DROUGHT ISSUES IN THE SOUTHEAST
March 25, 2008**

Madame Chairwoman, and Members of the Committee, thank you for the opportunity to testify on behalf of the Department of the Interior regarding the impacts of the current drought in the Southeast. I am Sam Hamilton, Regional Director for the Southeast Region of the U.S. Fish and Wildlife Service, headquartered in Atlanta, Georgia.

The Service is the principal Federal agency responsible for conserving, protecting, and enhancing fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The Southeast Region of the Service includes the states of Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Kentucky, Tennessee, North Carolina, and South Carolina, as well as Puerto Rico and the U.S. Virgin Islands.

As you are aware, the Southeast is in the midst of an historic drought. Many reservoirs are at their lowest recorded elevations and several cities and towns support significantly higher populations and demand more water than they did during previous droughts. In 2007, parts of Georgia, Alabama, North Carolina, South Carolina and Tennessee had their lowest annual rainfall on record and stream flows in many areas have been at all time lows. While some forecasts for 2008 suggest that conditions may improve later this year, the situation today remains very serious.

Federal Role in the Apalachicola-Chattahoochee-Flint (ACF) River Basin

Water is a public resource governed by state governments, not Federal agencies. However, Federal agencies play an important cooperating role, and the Federal government has made significant investments in the construction and maintenance of reservoirs to meet multiple public use purposes. In the ACF basin there are four large

Federal reservoirs. One of the Department's roles, through the Service, is to advise Federal agencies with regard to their obligations under the Endangered Species Act.

In the ACF River basin, this means working closely with the U.S. Army Corps of Engineers, the states of Alabama, Florida and Georgia, and other partners to ensure the threatened Gulf sturgeon and three species of endangered mussels – the Purple bankclimber, Fat threeridge and Chipola slabshell - are not jeopardized by any agency action. Collectively, we are working towards the recovery of these species, which require flowing water to survive.

Balancing the water needs of millions of people across three States is not easy, particularly during this extreme drought. The river system supplies water for many municipal and industrial purposes, including power generation, flood control, navigation, drinking water, agriculture, pollution dilution, fish and wildlife habitat, and recreation. It is important to understand that the Service is not putting the needs of fish and mussels ahead of the needs of people. Conserving aquatic species is a means to ensure the health of our rivers and streams, and mussels are the canary in the coal mine for our rivers - declines in native mussel populations indicate an emerging problem with the health of the river that could affect people.

The Service has been working with the Corps since the 1980s when drafting of revisions to the ACF Water Control Plan began. Shortly thereafter the "ACF Water Wars" ensued in several Federal courts. Throughout the era of the tri-state water compact in the 1990s, the Service provided assistance as additional data was collected and as the States negotiated water allocations. With the listing of the Gulf sturgeon as threatened in 1991 and the mussels as endangered in 1998 under the Endangered Species Act, the Service consulted with the Corps as it managed flows within the system.

In addition to our participation in these overarching negotiations, the Service is working proactively on the ground in the ACF basin to help communities meet their growing water demands. For example:

- In 2001, we provided \$200,000 to agricultural producers in the Flint River basin to retrofit irrigation systems in order to conserve water;
- In 2004, we helped develop guidance for streamlining the review process for water supply reservoirs throughout Georgia;
- In 2005-2006, we helped develop a water supply plan protocol to assist municipalities with securing water supply while minimizing impacts to federally listed species north of Atlanta; and
- In 2006, we provided \$130,000 to the State of Georgia to begin the planning process for the development of a habitat conservation plan for the lower Flint River basin which would help engage basin stakeholders, primarily agricultural users, in water conservation and mussel protection.
- For many years, we have been working in high priority areas throughout the basin on mussel surveys and monitoring. By entering into partnerships with communities, landowners, and local, State and Federal agencies, we continue to explore opportunities to restore and protect aquatic habitat.

Regardless of these and other proactive efforts to conserve species, in 2006, the basin experienced diminishing precipitation levels and the situation worsened in 2007. Without rainfall, the Corps had to adjust its operations to meet the multiple purposes of the reservoirs, the needs of fish and wildlife, and the needs of basin stakeholders.

To address potential effects of reservoir operations, the Corps developed the Interim Operating Plan (IOP) in 2006, and the Service formally consulted on this plan. While some mussels could be affected by the IOP, we concluded that the 2006 IOP was not enough to avoid jeopardy to the species' continued existence. Measures to avoid and minimize harm to the species were recommended and accepted by the Corps.

As the drought worsened, the Corps and the Service agreed to several adjustments to the IOP in October 2007, to help maintain water in reservoir storage. The Corps then formally amended the IOP on November 1, 2007, producing the Exceptional Drought Operations (EDO) plan to increase opportunities to store water during rain events.

Knowing that extreme drought was continuing, and given our close working relationship with the Corps, the Service marshaled a large team to collect additional data, complete the needed analyses, and complete formal consultation on the EDO in only 15 days, a process that typically takes up to 135 days.

Today we continue to work closely with the Corps, the States, and other Federal agencies to enhance flexibility in water management on the ACF, while considering the needs of fish and wildlife resources. Most recently, we have been supporting Secretary Kempthorne and his staff as they assist the States in negotiating a water sharing agreement for the ACF.

Drought Throughout the Southeast

Of course, the ACF basin is just one of the stressed river systems throughout the Southeast. In addition to working with Alabama, Florida, and Georgia, we are working with partners in North Carolina, South Carolina, and Tennessee as they wrestle with assessing and understanding the ongoing and future impacts of drought. For example:

- We are actively working with the Corps, the Federal Energy Regulatory Commission, and Alabama Power Company in the Alabama-Coosa-Tallapoosa (ACT) River Basin to address the impact of operational changes on listed species.
- We are working with six States most deeply affected by the current drought (AL, FL, GA, NC, SC and TN) to develop a drought contingency plan for freshwater mussels. The plan will guide decision-making with regard to appropriate actions that should be carried out in the event of extreme drought conditions.

Contingency planning will identify a monitoring network of specific actions to be taken, expected consequences of these actions, and triggers for initiating actions and expectations regarding evaluation of any actions that are implemented.

- In Tennessee, we worked with the Tennessee Valley Authority (TVA) when they reduced flows at Normandy Dam on the Duck River in October 2007. The Duck River supports significant populations of three federally listed mussel species. In February 2008, we developed a plan with TVA and the state of Tennessee to

further reduce flows from Normandy Reservoir in order to conserve water for future needs of humans and mussels if the drought continues.

- In South Carolina and North Carolina, we are working with key partners on strategies to save a number of mussel species. We have also initiated emergency rescue operations for one species, the federally endangered Carolina heelsplitter, of which only 10 small populations remain.
- In North Carolina, we are working with the Corps and other partners to manage reservoir levels and river flows in the Raleigh area.
- In Florida's Everglades, we are working with many partners including the South Florida Water Management District, local governments, and the Corps to manage the significant drought challenges currently found throughout the entire ecosystem. Lake Okeechobee, known as the liquid heart of the Everglades, is facing record low water levels that are expected to drop even further as the dry season continues. We are working together to strike a balance that meets south Florida's water needs, protects important habitat such as the Arthur R. Marshall Loxahatchee National Wildlife Refuge, and conserves species including the snail kite, a highly endangered bird.

Information Needs

The Department is seriously committed to working with states affected by drought now and in the future. The drought has highlighted data gaps and information needs that, if filled, would facilitate future decision-making for the Service and our State and Federal partners. For example, for the ACF we have created a list of projects that would increase our understanding of river hydrology and the habitat needs of sturgeon and mussels; implement key habitat restoration efforts; and provide incentives to private landowners to conserve water. We are developing similar lists of information needs for the ACT and other basins.

The drought has also highlighted existing areas of work that are crucial for understanding water shortages. For example, USGS stream gauges throughout these river systems have been important monitoring tools over the course of the drought. Data resulting from this

program is basic to our ability to understand changing hydrology and manage these river systems.

While we need information to make decisions, partnerships with key water users and education efforts that encourage the public to conserve water are also needed. Water may soon become a limiting factor for growth and development in many areas of the southeast. While we cannot produce more rain, we can all do more to maximize the use of the precipitation that the Southeast receives to best meet the needs of all water users.

Conclusion

The Department and its State and Federal partners have been working proactively for many years to implement solutions that balance the many uses of these systems, including meeting the water needs of people, while at the same time conserving species. Maintaining healthy river systems is critically important to the economy and natural environment of the Southeastern United States. The drought has taught us that more needs to be done to keep these systems healthy for generations to come. These lessons are particularly important in light of climate change predictions, which suggest more intense droughts, sea level rise and increased temperatures in the Southeast. The Department is committed to help states find practicable and balanced solutions, based on the realities of Mother Nature, to manage their water supplies.

Madame Chairwoman, thank you for the opportunity to testify today. This concludes my prepared remarks, and I would be happy to respond to any questions that Members may have.